

Remarks

The undersigned hereby states that the invention described in the present application, and the invention described in US patent no. 6,385,168 to Davis et al. were commonly owned at the time the invention in the present application was made. It is therefore respectfully submitted that Davies is not a citable reference under 35 USC 103 (c). The Examiner's rejection under 35 USC 103(a) is therefore respectfully traversed.

At the time the Davies invention was made, and the invention described in the present application was made, the respective inventors were under an obligation to assign their rights in the invention to Newbridge Networks Corporation. This corporation subsequently changed its name to Alcatel Networks Corporation, and then to Alcatel Canada Inc, the name appearing on the face of the Davies patent and the owner of the present application.

Since the parent application was filed before the change in US law regarding 35 USC 103(c), the applicant initially filed a continued prosecution application to take advantage of the fact that the change applied to continuation applications, but unfortunately overlooked the fact that continued prosecution practice was discontinued just shortly before the application was filed. As a result, the applicant abandoned the original application and filed this continuation application to benefit from the fact that it was filed after the change in the law and therefore 35 USC 103(c) as amended applies to it.

It is believed that the application is in condition for allowance for essentially the same reasons as before. Allowance and reconsideration are therefore earnestly solicited.

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Respectfully submitted,



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